



U.S. Department of Justice

United States Attorney  
Eastern District of New York

DJ:AE  
F. #2021R00827

271 Cadman Plaza East  
Brooklyn, New York 11201

June 13, 2023

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
\* JUNE 13, 2023 \*  
BROOKLYN OFFICE

Clerk of the Court  
(for forwarding to randomly assigned United States District Judge)  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

23-CR-255  
Judge William F. Kuntz, II  
Magistrate Judge Marcia M. Henry

The Honorable Hector Gonzalez  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Jian Ai Chen, 23 CR 255

Dear Clerk of the Court and Judge Gonzalez:

Pursuant to Local Rule 50.3.2, the government respectfully notifies the Court that the above-captioned case ("Chen II") is presumptively related to United States v. Jian Ai Chen, 21 CR 494 (HG) ("Chen I").

Local Rule 50.3.2(b)(1) provides for a "presumption that one case is 'related' to another when the facts of each arise out of the same charged criminal scheme(s), transaction(s), or event(s), even if different defendants are involved in each case." Local Rule 50.3.2(c)(1) directs the United States Attorney's Office to "give notice to all relevant judges whenever it appears that one case may be presumptively related to another pursuant to Section (b)(1)."

This letter constitutes the notice directed by Local Rule 50.3.2(c)(1). This case is presumptively related to Chen I because the facts of Chen II arise out of the same criminal transactions and events as those previously charged in Chen I. Specifically, as the Court is aware, on September 13, 2021, the defendant waived her right to prosecution by indictment and pleaded guilty to conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349, and conspiracy to offer and pay health care kickbacks, in violation of 18 U.S.C. § 371. On March 13, 2023, the defendant in Chen I moved to withdraw her guilty plea, and on March 21, 2023, the

Court granted the motion, concluding that the defendant's guilty plea was not voluntary, and directed the Clerk of Court to close Chen I. (March 21, 2023 Order).<sup>1</sup> On June 13, 2023, a grand jury returned an indictment charging the defendant with the same crimes charged in Chen I: conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349, and conspiracy to offer and pay health care kickbacks, in violation of 18 U.S.C. § 371. Therefore, the facts and circumstances underlying Chen II are the same as those underlying Chen I. As the case is thus presumptively related, the government respectfully submits that reassignment of Chen II would be appropriate, as it would likely result in significant savings of judicial resources and serve the interests of justice.

In addition, the government notes that a number of individuals associated with the pharmacies at issue in Chen II have been charged with joining the same criminal schemes as defendant Chen and are assigned to Judge Gonzalez: United States v. John Yiu, 23 CR 89 (HG), United States v. Chi Kwan Wong, 23 CR 88 (HG), United States v. Amanda Hon, 22 CR 60 (HG), United States v. Si Ci Zhu, 22 CR 14 (HG) and United States v. Florence Mui, 21 CR 314 (HG). As the cases are thus presumptively related, the government respectfully submits that reassignment to Judge Gonzalez would be appropriate based on Judge Gonzalez's familiarity with the case and legal issues in Chen I, as it would likely result in a significant savings of judicial resources and serve the interests of justice.

Respectfully submitted,

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GLENN S. LEON  
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<sup>1</sup>At the time of the plea, Chen I was assigned to the Honorable Raymond J. Dearie. On January 5, 2023, the case was reassigned to the Honorable Hector Gonzalez.